

September 22, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Subscriber Notification and Acknowledgement Status and Compliance Report  
of Midwest Wireless Holdings L.L.C.  
**WC Docket No. 05-196**

Dear Ms. Dortch:

Midwest Wireless Holdings L.L.C. ("Midwest Wireless"), in response to the Commission's VoIP E911 Order ("Order") and the Public Notice issued by the Enforcement Bureau on August 26, 2005 ("Public Notice"), submits this report to advise the Commission of the status of Midwest Wireless' efforts to comply with Commission Rule 9.5(e).

By way of background, Midwest Wireless is a CMRS provider operating under FCC authority in Southern Minnesota, Iowa and Western Wisconsin.<sup>1</sup> Midwest Wireless recently began utilizing Voice over Internet Protocol ("VoIP") technology in order to offer its wireless subscribers an integrated service feature to be used in connection with their wireless device. The use of VoIP technology allows Midwest Wireless to offer its customers the use of a VoIP enabled home or office phone in connection with the wireless device. The customer utilizes only one phone number, one voicemail, etc. This service feature offering is entitled oneWave.

As requested in the Public Notice dated August 26, 2005, Midwest Wireless responds to the following questions set out in the Public Notice:

**1) A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline.**

(a) Existing Customers:

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<sup>1</sup> Midwest Wireless currently holds the CMRS license for Minnesota RSAs 7 – 10; the Rochester, MN MSA; Iowa RSAs 3, 6, 11-16; and Wisconsin RSA 5.

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On July 14, 2005, Midwest Wireless sent by First-Class United States Mail, to every one of its then identified oneWave customers, a mailing containing an E911 customer notice containing the information required by new Rule 9.5(e)(1).

In follow-up with those customers who did not respond to the July 14, 2005 mailing, Midwest Wireless sent e-mail notification of the E911 information required by new Rule 9.5(e)(1), along with a request asking the customer to acknowledge receipt of the E911 customer notice. The e-mail notifications were sent August 9, 2005.

Beginning on August 9, 2005, Midwest Wireless placed telephone calls to all oneWave customers of record who had not responded to the July 14, 2005 mailing. The caller asked the customer whether the customer had received the notice letter. If not, the caller offered to read the letter to the customer over the telephone. The caller then offered to answer any questions that the customer might have about the notice letter. The caller then forwarded to the customer, via e-mail, the required E911 disclosure.

On August 10, 2005, Midwest Wireless again identified all existing oneWave customers and sent via First-Class United States Mail a mailing containing the requisite E911 customer notice pursuant to new Rule 9.5(e)(1).

As of September 1, 2005, all existing oneWave customers had received the appropriate notice and warning stickers.

(b) New Customers:

As part of the sales process, beginning on July 14, 2005, Midwest Wireless sales personnel have been required to specifically identify the E911 disclosure to each new customer before completing a sale. The customer then acknowledges the disclosure by initialing that portion of the sales agreement articulating the oneWave service description and limitations.

**2) A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgments as of the date of September 1, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgment by September 28, 2005.**

As of September 22, 2005, Midwest Wireless has obtained affirmative acknowledgement from approximately 97.5% of its oneWave subscriber base.

Midwest Wireless cannot predict with precision what its final response rate will be, but estimates that 2.5% of its customers will not have provided affirmative acknowledgement by September 28, 2005.

**3) A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

Midwest Wireless is continuing its campaign to contact and obtain affirmative acknowledgment from all of its oneWave subscribers. To that end, until September 28, 2005, Midwest Wireless will continue to send letters, e-mails and place telephone calls to those oneWave subscribers who have not yet submitted an affirmative acknowledgment. Finally, for those oneWave customers that do not respond by September 19, 2005, Midwest Wireless sales personnel will personally follow-up with each customer regarding the oneWave service description and limitations.

**6) A detailed description of any and all plans to use a "soft" or "warm" disconnect procedure for the subscribers that fail to provide an affirmative acknowledgment by September 28, 2005.**

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**Midwest Wireless will route all non-911 calls to customer service for receipt of the affirmative customer acknowledgment, but will continue to allow 911 calls to go through and be routed to the appropriate PSAP, based upon the existing customer location information provided by the subscriber.**

Respectfully submitted,

Sean R. Simpson

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**VERIFICATION**

I, Sean R. Simpson, state that I am the Director of Legal & Regulatory Affairs for Midwest Wireless Holdings L.L.C.; that I am authorized to submit this report on behalf of Midwest Wireless Holdings L.L.C.; that the foregoing filing was prepared under my direction and supervision; and I declare under penalty of perjury that this report is true and correct to the best of my knowledge, information, and belief.

/s Sean Simpson

Name: Sean R. Simpson

Title: Director of Legal & Regulatory Affairs  
Midwest Wireless Holdings L.L.C.